

SECOND REGULAR SESSION

SENATE BILL NO. 1265

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4000S.06I

AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to the regulation of contract carriers that transport railroad employees, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 389, RSMo, is amended by adding thereto one new section, to be known as section 389.948, to read as follows:

389.948. 1. The provisions of this section shall only apply to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry eight or fewer passengers, including the driver. As used in this section, the term "contract carrier" has the meaning set forth in section 390.020, RSMo.

2. A contract carrier that transports railroad employees shall:

(1) Require each driver who transports railroad employees to have a valid chauffeur's license (class E license) issued under the provisions of chapter 302, RSMo, and applicable regulations;

(2) Provide drug and alcohol screening under 49 CFR 40 et seq. for each driver who transports railroad employees;

(3) Conduct a background investigation of each person who transports railroad employees;

(4) Require an application for employment from each prospective driver;

(5) Conduct an annual review of the driving record of each driver who transports railroad employees; and

(6) Maintain a personnel file that includes a driving record for each driver who transports railroad employees.

21 3. A contract carrier that transports railroad employees shall
22 limit the hours of service by a driver who transports railroad
23 employees to sixteen hours of on duty time within any twenty-four hour
24 period.

25 4. A contract carrier that transports railroad employees shall
26 require a driver who has twelve hours of vehicle operation within any
27 twenty-four hour period or sixteen hours of on duty time within any
28 twenty-four hour period to have at least eight consecutive hours off
29 duty before operating a vehicle again.

30 5. Any vehicle used by a contract carrier to transport railroad
31 employees shall be maintained in the safe and proper operating
32 condition recommended for that particular vehicle. A contract carrier
33 shall maintain a record of maintenance and repair for each vehicle
34 used to transport railroad employees. The contract carrier shall retain
35 such maintenance and repair records for a period of twelve months.

36 6. A contract carrier who transports railroad employees shall
37 keep time records for six months indicating the time all for-hire motor
38 carrier drivers report for duty, the time of relief from duty, hours
39 driven, hours on duty, and hours off duty. All records required to be
40 maintained under this section shall be made available for inspection to
41 the director of the department of transportation or the director's
42 designee.

43 7. All motor vehicles used by a contract carrier to transport
44 railroad employees within this state shall meet all state and federal
45 regulations pertaining to safe construction and maintenance. Such
46 motor vehicles shall be operated in compliance with all state and
47 federal regulations pertaining to driving and the transporting of
48 passengers.

49 8. The driver of a vehicle used to transport railroad employees
50 shall inspect the vehicle at the beginning and end of each day the
51 vehicle is used to transport railroad employees. Each inspection shall
52 include the completion of an inspection checklist in a manner and
53 format prescribed by the commission. The inspection checklist shall be
54 retained by the contract carrier in the maintenance record required
55 under subsection 5 of this section for ninety days after the date of the
56 inspection.

57 9. Each contract carrier shall maintain liability insurance in an

58 amount not less than one and one half million dollars for each vehicle
59 used to transport railroad employees.

60 10. Any contract carrier, driver of a vehicle that transports
61 railroad employees, or any other person who violates the provisions of
62 this section or any regulations promulgated thereto, shall be guilty of
63 a class B misdemeanor.

64 11. The commission may, in enforcing the provisions of this
65 section and regulations promulgated thereto, inspect any motor vehicle
66 to which the provision of this section applies. Upon request, the
67 superintendent of the Missouri state highway patrol shall assist the
68 commission in these inspections.

69 12. The provisions established in this section shall be considered
70 minimum standards and shall not be construed to supercede or
71 abrogate any law, rule, or regulation which imposes stricter standards
72 or regulations upon the operation of contract carriers that transport
73 railroad employees.

74 13. The Missouri highways and transportation commission shall
75 promulgate rules and regulations to implement and administer the
76 provisions of this section. Any rule or portion of a rule, as that term is
77 defined in section 536.010, RSMo, that is created under the authority
78 delegated in this section shall become effective only if it complies with
79 and is subject to all of the provisions of chapter 536, RSMo, and, if
80 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
81 are nonseverable and if any of the powers vested with the general
82 assembly pursuant to chapter 536, RSMo, to review, to delay the
83 effective date, or to disapprove and annul a rule are subsequently held
84 unconstitutional, then the grant of rulemaking authority and any rule
85 proposed or adopted after August 28, 2008, shall be invalid and void.

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